

Aquinnah Planning Board Plan Review Committee Meeting – December 7th, 2021

Members Present: Sarah Thulin, Jim Mahoney, Jim Wallen, Berta Welch, Jo Ann Eccher, Jim Newman, Isaac Taylor, Tom Murphy

Also Present: Dan Doyle, Laura Jordan, Bill Lake, Lawrence Martin, Alan Slatas, Adam Gross, Fredric Meyer, Stefanie Hecht, Alma Rutgers, Jill Gross, Tom Braun, Doug Janacek, Josh Dunn, Reid Silva, Rick Gross, Neil Gross, Roberta Gross, 917-848-3267, Howard Goldstein, James Bond, Phil and Penny Weinstein, Marilyn, Regina Janacek, Kathy Hate Day, Marc Berman, Kim Scholz, Ben Janacek, Neva Goldstein

Meeting was held via videoconference on Zoom

Meeting opened at 6:33pm

Minutes: Sarah motioned to approve the 9/14/21 minutes as presented. Isaac seconded. The PBPRC voted 6-0, the motion passed.

Jim N motioned to approve the 10/19/21 minutes as presented. Berta seconded. The PBPRC voted 6-0, the motion passed.

Jo Ann and Tom joined the meeting.

Meeting with Dan Doyle from the Martha's Vineyard Commission:

Dan introduced the transportation engineer resource allocation project. Funding is for design work of conceptual ideas related to transportation and needs to be spent in the next 7 months. Committee discussed the following ideas for the funding: addressing public parking issues and optimizing the parking at the Cliffs and West Basin; culverts along Lobsterville; better access at Red Beach (beach to water and parking lot to beach); and potential road traffic delineation design for multi vehicle road use. Isaac volunteered to work with Dan and Jeff Madison, Town Admin, and Jay Smalley, DPW, to continue discussing potential options.

Meeting with Bill Lake from the Aquinnah Climate and Energy Committee: Bill gave a presentation on initiatives to reduce fossil fuel on island and increase use of renewable electricity including the introduction of a Home Rule Petition that would require new or substantial construction to use/convert to all electric heating, cooling, and hot water; and require all new or substantial construction to install a 240v outlet for EV charger; Select Board has endorsed the Home Rule Petition. PBPRC was supportive of the proposed general bylaw changes. Jim N motioned to endorse the proposal in principle. Jo Ann seconded. The PBPRC voted 7-0, the motion passed. A draft has been sent to Town Counsel and Bill will circulate the final language when ready (before the annual town meeting).

Public Meeting: Lawrence Martin of 12 East Pasture Way Map 8 Lots 124, 125, 126 – Request for Zoning Determination for approx. 79sf deck expansion. Sarah recused herself. Proposed project includes the extension of a previously approved deck and slight outdoor shower expansion. Total increase in footprint was under the 170sf maximum for a zoning determination. Deck expansions will connect previously approved deck with outdoor shower and two existing door platforms sited on the south. Jim M motioned to approve the plan as presented. Isaac seconded. The PBPRC voted 7-0-1, the motion passed.

Public Hearing: Alan Slatas (applicant) for Rose Meadow Way Map 5 Lots 4 and 13 - Special Permit request for the siting of a new dwelling, well, septic system, driveway, and associated utilities on a pre-existing non-conforming lot where total footprint on the lot will exceed 2,000sf (continued from 7/27, 9/14/21 & 10/19/21). Con Comm has continued the hearing to January 25th, 2022, in order to get more

written information from Dept of Environmental Protection (questions regarding site plan and potential isolated wetland) and Natural Heritage and Endangered Species Program regarding the limited habitat area and recommendations. Proposed project has decreased to 1,983sf in footprint, has shifted away from identified features and applicant has decreased the chimney mass. Committee and applicant agreed to continue the hearing till after the Con Comm January meeting. Applicant agreed to waive the tolling period. Isaac motioned to continue the hearing to February 1st, 2022. Jim N seconded. The PBPRC voted 7-0-1, the motion passed. Berta abstained.

Public Hearing: Doug Janacek (applicant) off of Rose Meadow Way part of Map 5 Lot 19.4 Special Permit request for the siting of a new dwelling, well, septic system, driveway, utilities, and associated landscaping where total footprint on the lot will exceed 2,000sf (continued from 9/14/21 & 10/19/21).

Reid Silva presented the project and changes: relocation/shifting of house site away from top of hill (now 62ft from cemetery lot line); reduction to 1-story dwelling with walk-out basement and roof deck built into ridge line; lowered ridged height to 17'½" above mean grade (top of shed dormer); Natural Heritage and Endangered Species Program (NHESP) has requested to do a botanical study within the limit of work given concern of Blue Eyed grass species on the lot (survey to be completed in the spring); septic system reduced from 8 to 5-bedroom; total footprint 2,306sf (inclusive of decks and outdoor shower); archeological survey did not find any resources and MHC did not recommend further surveying; plan includes proposed area of screening to cemetery.

Committee discussed the following: tradeoff between height and footprint (decreasing the height tends to expand footprint); special permits do not set precedents; approval of project subject to botanical survey. Abutters made the following comments: concern with compromise of height leading to expansion in footprint and density on a smaller lot, confusion of special permitting process, concern with construction traffic along Rose Meadow way (not PBPRC issue) and concern with delaying approval of permit dependent on botanical survey. Applicant noted that the interior space of the house between hearings did not expand but the footprint did to accommodate the recommended insulation schedule. After polling the board, Jim M motioned to approve the proposed project as presented conditioned upon the following: approval from NHESP, submission of final landscape plan, submission of final grading plan, submission of glazing/window schedule, project conforms with the Town's Exterior Lighting Bylaw, and all trim must be natural materials and/or neutral in color (no white). Jim N seconded. **The PBPRC voted 6-1-1, motioned passed. Tom recused (not present at initial hearing).**

Public Hearing: Philip and Elizabeth Weinstein of 5 Sandcastle Lane Map 5 Lot 68 Special Permit to site, construct and maintain an accessory apartment and associated utilities where total footprint on a lot will exceed 2000sf. Reid Silva presented the proposed project: siting of accessory apartment with attached utility shed; proposed structure will contain 600sf of interior living space for the accessory apartment and unfinished basement below (apartment will not have interior access to the unfinished space below); structure included entry deck and extended covered decking/porch area; grading of the structure will accommodate a partial walkout basement; proposed structure is sited next to the pool and patio area and 30ft from lot lines; the structures height will be 24ft above mean grade; existing septic has capacity for the additional bedroom; MHC did not recommend a survey; Con Comm approved project as a negative determination but applicant will construct siltation/barrier fencing (project is within 200ft of wetland buffer zone); proposed project will increase the total footprint on the lot to 5,164sf.

Committee reviewed the accessory apartment bylaws which was followed by a lengthy discussion pertaining to usage and occupancy and whether the language of section 3.3-5-B-4 "non-owner occupied unit may only be rented year-round and occupied by persons domiciled on Martha's Vineyard who are either" applies to both section 3.3-5-B-4i (rentals determined by the Aquinnah Housing Committee) and section 3.3-5-B-ii (immediate family members or caregivers, either for rent or free of charge). Committee discussed enforcement and lack of enforcement of apartments after a certificate of occupancy is issued. Committee expressed intent on meeting with the Aquinnah Housing Committee to discuss the accessory

apartment bylaw. Owners stated that they plan to use the space intermittently for immediate family when there is overflow and for a caregiver in the future. Committee discussed conditioning a permit with the owners indicating on a deed restriction the use of the apartment. An abutter expressed concern with size of footprint on the lot, existing dwelling height and contribution of noise to neighborhood during the evening. Another abutter (immediate adjacent lot) expressed no issue with the plans presented.

Sarah motioned to continue the hearing with review from the housing committee and opinion from Town Counsel. Isaac seconded. The following was discussed: owners stated that they understood that use of the apartment is for immediate family and a caregiver in the future and found the discussion troubling as applicants; idea/intent of bylaw is about preparation for a caregiver and/or for year-round leased affordable housing and the committee needs to adhere to how the bylaw is written; Reid noted that the owners are applying under the bylaw as written and Town Counsel's opinion would clarify usage and suggested the filing of a deed restriction. **The Committee voted 3-5, motion to continue the hearing did not pass.** Berta noted that she is not opposed to the project but is requesting legal opinion. Jim W entertained a motion to approve the project as presented subject to the following conditions: all space other than the 600sf of living space will be unfinished and will not have interior access to apartment space, subject to interpretation from legal counsel included in a deed restriction, subject to bylaws pertaining to accessory apartments. Motion was moved by Tom and seconded by Jo Ann. Owners again expressed concern with the discussion on use and interpretation of the bylaws. **The Committee voted 8-0, motion passed.** Berta asked the Committee to remember there is not a bylaw for guest houses but if they are leaning that way, then they should revisit that.

Public Hearing: Judith Lane of 415 State Road Map 11 Lot 43 Special Permit request for the siting of 60ft of 8ft fencing where total footprint on the lot will exceed 2,000sf located in the Roadside District. Applicant is pursuing landscaping options instead of fencing. Should the applicant find a suitable landscape plan, they will withdraw the application. Committee agreed to continue the hearing to February in case the applicant would like to pursue the fencing option. Sarah motioned to continue the hearing to February 1st, 2022. Isaac seconded. The PBPRC voted 8-0, the motion passed. Committee requested a letter from the applicant agreeing to waive the tolling period.

Public Hearing: Town of Aquinnah of West Basin Road Map 3 Lot 1 Special Permit request for the siting of a 192sf shed to be used by the Aquinnah Harbormaster and Shellfish Warden located in the Coastal DCPC (continued from 5/18 and 7/27/21). Given the proposed placement of the shed and flood plain requirements and con comm review, applicant is seeking alternative options. Sophia informed the Committee that the applicant is pursuing a floating shed secured to the dock. Per bylaw section 10.2-4-A-2, special permits are required for nonresidential structures such as boat houses. The Committee discussed whether the proposed structure would fall under that category. Committee continued the hearing to February 1st, in the chance that the proposed project would require a special permit. Sarah motioned to continue the hearing to February 1st, 2022. Jim M seconded. The PBPRC voted 8-0, the motion passed.

The Committee briefly discussed the Accessory Apartment Bylaw and the concerns expressed earlier in the meeting.

With no other business, the meeting adjourned at 9:35pm.

*Respectfully submitted,
Sophia Welch, Board Administrative Assistant*